

Local 212, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) (Chrysler Corporation, Vernor Tool & Die Plant) and Melvin F. Nance. Case 7-CB-4577

August 6, 1981

DECISION AND ORDER

On December 2, 1980, Administrative Law Judge Thomas D. Johnston issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief.

The Board has considered the record and the attached Decision in light of the exceptions and brief and has decided to affirm the rulings, findings,¹ and conclusions of the Administrative Law Judge and to adopt his recommended Order.

Respondent excepts to the Administrative Law Judge's finding that it violated Section 8(b)(1)(A) of the Act by removing Melvin Nance from his position as chairman of its fair employment practices committee because Nance filed with the Board a charge against Respondent. Respondent's contention is that, inasmuch as Nance's removal did not affect his employment status or cause him to suffer any loss of seniority, money, or union membership, the removal was an internal union affair not subject to the prohibitions of Section 8(b)(1)(A).

However, the removal was motivated by Nance's having filed a Board charge. The Administrative Law Judge so found and Respondent concedes as much.² To that extent the discipline implicates a policy imbedded in Federal labor law,³ "the policy of keeping people 'completely free from coercion' . . . against making complaints to the Board." *N.L.R.B. v. Industrial Union of Marine & Shipbuilding Workers of America and its Local 22 [United States Lines Co.]*, 391 U.S. 418, 424 (1968). "Any coercion used to discourage, retard, or defeat that access is beyond the legitimate interests of a labor organization." *Id.*

Therefore, simply because the discipline imposed here, as Respondent alleges, results in no loss of seniority, money, or membership does not dictate the

conclusion that the discipline was a plainly internal union affair left unregulated by Section 8(b)(1)(A) by virtue of the proviso to it. While losses of seniority, money, or membership may be relevant to the inquiry into whether or not the discipline indeed was "coercive," the absence of such particular effects does not negate a finding that the discipline here was coercive. Patently, Nance was coerced. That Respondent openly would remove him from office because he filed a charge with the Board is likely to have an adverse impact upon his willingness to seek access to the Board in the future. The removal is further likely to indicate to other unit employees that the exercise of their right to file charges against Respondent might result in union sanctions.⁴ Given the importance of the policy favoring unfettered employee access to the Board, it is too speculative to contend that other unit members might distinguish the discipline meted out to Nance on the basis that he is a union officer and they are not. In any event, that would appear to be two-edged. For another unit member might just as reasonably view the fact that Respondent meted out discipline to an officer for filing charges with the Board as indicating the fact that Respondent would be even less hesitant to impose discipline on rank-and-file members for filing such charges.

Although we recognize the important interests served by a union being able to fill its offices and internal committee memberships with individuals it believes best will serve the union and its membership, prohibiting a union from removing an officer because he or she has filed a charge with the Board hardly undermines that interest to any substantial degree.

Therefore, for the reasons set forth above, we agree with the Administrative Law Judge that Respondent's removal of Nance from its fair employment practices committee for filing a charge with the Board was violative of Section 8(b)(1)(A) of the Act.

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, Local 212, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Highland Park, Michigan, its officers,

¹ Respondent has excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *Standard Dry Wall Products, Inc.*, 91 NLRB 544 (1950), *enfd.* 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

² "[T]he removal was based upon Nance's filing of a false charge against an Officer of the Union." (Respondent's brief to the Board at p. 5.) That the party imposing the discipline believes the charge is false of course could not serve to overcome the policy of unfettered employee access to the Board and, as the Administrative Law Judge noted, we have long held as much. See cases cited in *Waterman Industries, Inc.*, 91 NLRB 1041, *fn.* 8 (1950).

³ See *Scofield v. N.L.R.B.*, 394 U.S. 423, 430 (1969).

⁴ See *General Teamsters Local Union No. 528, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Theatres Service Company)*, 237 NLRB 258 (1978).

agents, and representatives, shall take the action set forth in the said recommended Order.

DECISION

STATEMENT OF THE CASE

THOMAS D. JOHNSTON, Administrative Law Judge: This case was heard in Detroit, Michigan, on April 30, 1980, pursuant to an amended charge¹ filed on October 11, 1979,² by Melvin F. Nance, an individual, and a complaint issued on November 16.

The complaint alleges that Local 212, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) (herein called the Respondent), violated Section 8(b)(1)(A) of the National Labor Relations Act, as amended (herein called the Act), by removing its member, Melvin Nance, from his position as member and chairman³ of its fair employment practices committee at the Chrysler Corporation, Vernor Tool & Die Plant (herein called the Company), because Nance filed unfair labor practice charges with the Board in the instant case.

The Respondent, in its answer, dated November 23, denies having violated the Act as alleged and asserts its action in removing Nance from his position as chairman is not covered by Section 8(b)(1)(A) of the Act, and that the Respondent's action in removing Nance was in the interest of providing leadership of the fair employment practices committee where it can function in cooperation with the officers of the Respondent and not to take actions hostile to the Respondent.

The issue involved is whether the Respondent violated Section 8(b)(1)(A) of the Act by discriminatorily removing Nance as chairman of the fair employment practices committee because he filed an unfair labor practice charge with the Board.

Upon the entire record in this case and from my observations of the witnesses, and after due consideration of the briefs filed by the General Counsel and the Respondent, I hereby make the following:⁴

FINDINGS OF FACT

I. THE BUSINESS OF THE EMPLOYER

Chrysler Corporation, a Delaware corporation with its principal office and place of business located at Highland Park, Michigan, operates plants in Michigan including its Vernor Tool & Die Plant located at Detroit, Michigan, which is the only facility involved in this proceeding, and is engaged in the business of the manufacture, sale, and distribution of automobiles, and related products. During 1978, a representative period, Chrysler Corporation, in the course of its operations, received gross revenues in excess of \$500,000 and it purchased and received goods and materials valued in excess of \$50,000,

which were delivered to its Vernor Tool & Die Plant located at Detroit, Michigan, directly from points located outside the State of Michigan.

Chrysler Corporation, including its Vernor Tool & Die Plant, is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

II. THE LABOR ORGANIZATION INVOLVED

Local 212, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), is a labor organization within the meaning of Section 2(5) of the Act.

III. THE UNFAIR LABOR PRACTICES

A. Background

The Company, which is engaged in the manufacture, sale, and distribution of automobiles and related products, operates a plant located at Detroit, Michigan. Its employees are represented by the Respondent which has a collective-bargaining agreement with the Company covering them. This agreement contains grievance and arbitration procedures. Further, section (4) of the agreement, which prohibits discrimination because of race, color, religion, age, sex, national origin or handicap, provides, in pertinent part, as follows:

Any employee who claims that, in violation of said principle, he has been denied rights guaranteed by this Agreement may complain as provided in the grievance procedure. Any such claim, when presented in writing, pursuant to Step 1(d) of the grievance procedure, must contain a full statement of the facts giving rise to the claim and the reasons why the employee believes he has been discriminated against. If appealed to Step 2, the Plant Shop Committee of the Local Union, before deciding whether to take the grievance up with the Labor Relations Supervisor or his designated representative, may refer the claim to the Chairman of the Fair Employment Practices Committee of the Local Union for a factual investigation and report.

This section further provides that the grievance and arbitration procedures shall be the exclusive contractual procedure for remedying such claims.

Included among the Respondent's officials are President Joe Zappa, Vice President Samuel Weary, and Recording Secretary Ted Brooks.⁵ Donald Britton is the administrative assistant to President Zappa.

B. The Removal of Melvin Nance

Melvin Nance, the discriminatee, is employed by the Company. From May 1978 up until his removal from the position about October 4, he held the position with the Respondent of chairman of the fair employment practices committee.⁶ The appointment of Nance to the posi-

¹ The original charge was filed on September 25, 1979.

² All dates referred to are in 1979 unless otherwise stated.

³ The General Counsel defines member and chairman as being the same position.

⁴ Unless otherwise indicated, the findings are based on the pleadings, admissions, stipulations, and undisputed evidence contained in the record, which I credit.

⁵ These three individuals are agents of the Union under the Act.

⁶ This position does not entitle the holder to any special seniority or monetary payment except reimbursement by the Respondent for work-time lost from the Company. Further, the person holding the position is not an employee of the Respondent.

tion of chairman which is an appointive position, had been approved by President Zappa.

Following the filing of a grievance concerning the discharge of an employee named William Adams, this grievance was turned over to Nance as chairman of the fair employment practices committee for purposes of making a factual investigation and report as provided for in the collective-bargaining agreement.

According to Nance, Adams was an alcoholic and his investigation was to determine whether the Company had discharged Adams for that reason,⁷ which he had been informed by the Michigan Civil Rights Commission was a handicap protected by the Michigan Handicappers' Civil Rights Act.⁸ As part of his investigation Nance attempted to see the records of other company employees to ascertain whether they had violated the same company rules as Adams had without their having the same disciplinary action being taken against them. He had furnished a list of names of those individuals whose records he wanted to see to the head of labor relations at the Company, and he also had discussions with various officials of the Respondent about getting the Company to produce these records for his inspection.

Nance testified upon requesting President Zappa⁹ to contact the Company's personnel management to show him the records of the individuals he had listed, Zappa informed him he would check with the International to see what their position was and would have them call and talk to the head of Labor Relations at the Company and then have Vice President Weary contact him.

President Zappa acknowledged having such a conversation with Nance except he stated Nance wanted to check all of the records in the department where the discharged employee Adams had worked.

During the next week and a half, Nance stated without denial that he contacted Vice President Weary on two occasions about whether he had received any information from President Zappa about the records. Weary informed him he had not, but promised to contact Zappa, who was involved in negotiations,¹⁰ and get the information.

President Zappa stated that, after Vice President Weary informed him that Nance had been calling him about information Zappa was supposed to obtain for Nance, he contacted Homer Jolly,¹¹ who is the assistant director of the Chrysler department of the International, concerning Nance's request for the records. Jolly informed him Nance would have the right to look at the records but not to go on some witch hunt, and, if he was specific as to how the discharged employee was being treated as opposed to another person and as to what records he wanted to look at, he had a right to do that. Zappa then related the information to Vice President Weary with instructions for him to inform Nance of this information.

⁷ The reason given for Adams' discharge was absenteeism.

⁸ MCL Ann. §3.550 (101) (1977).

⁹ The date of this conversation was not established.

¹⁰ President Zappa was chairman of the Chrysler negotiating committee.

¹¹ Jolly did not testify.

Nance testified when he contacted Vice President Weary again, Weary informed him President Zappa had talked to the International whose position was that it was the Company's duty to show him the records. However, Weary also informed him he did not know who was handling the Company's plant at the time, but would let him know as soon as they had someone.

While Vice President Weary stated that President Zappa had instructed him to inform Nance if he had a specific name then the Company should be obligated to go ahead and let him see the records, he did not testify regarding this conversation with Nance, whom I credit.

Later, Nance stated he again contacted Vice President Weary who informed him Administrative Assistant Britton was handling the Company's plant. Nance then contacted Britton but upon asking Britton if he would tell the head of labor relations at the plant what the Union's position was Britton's response was, that he was not going to have Nance telling him how to do his job. Nance denied that was what he was doing, and when he told Britton he was asking him to help him in the performance of his job, Britton repeated his previous statement.

Administrative Assistant Britton, who was also appointed to his position by President Zappa and whose duties are to assist Zappa in handling grievances and problems, acknowledged Nance had called him but did not testify concerning what was said or deny Nance's version which I credit.

Following his conversation with Britton, Nance contacted Vice President Weary and arranged a meeting with him that morning, at which time a meeting was then held between Nance, Vice President Weary, and Administrative Assistant Britton.

Nance testified at this meeting after he explained to Vice President Weary what had happened, Weary called Britton into the office and told him Nance had a call he would like for Britton to make. Britton's response was he was not going to have Nance telling him how to do his job, which Nance denied and said he was simply asking Britton to call the head of labor relations at the plant and inform them of the Respondent's position on showing its records. He also mentioned they had a man out there without a job who was trying to get back to work. Britton then inquired how the man was being discriminated against, whereupon Nance told Britton the man was an alcoholic which made him a handicapper. When Britton mentioned whoever heard of alcoholism being a handicap, Nance explained he had contacted the Civil Rights Commission and they had informed him alcoholism was a handicap under the handicapper's bill. Britton, using profanity, indicated they did not know what they were talking about, whereupon he showed Britton a copy of the Michigan Handicappers' Civil Rights Act, which he stated Britton picked up, looked at, and then threw down.

Nance also stated that during the conversation Britton asked him if he wanted to see all the records, whereupon he showed Britton a list of names,¹² which Britton did

¹² This list of names was not received in evidence.

not take. After Britton, who received a telephone call, left the room, Nance stated that he told Weary that Weary was Britton's boss, and Weary replied he did not like to get involved in that sort of thing. He then told Weary the only reason he was down there was because President Zappa wanted him to do this through the Union rather than an outside agency, which he was doing but told Weary not to say he did not give him a chance to do something about it.

Administrative Assistant Britton acknowledged during the conversation that Weary told him Nance wanted him to make a telephone call to management; and that Nance had informed him that he considered Adams to be handicapped because he was an alcoholic and the Civil Rights Commission has said an alcoholic is a handicapped person; whereupon he had used profanity indicating to Nance the Civil Rights Commission did not know what they were talking about.

However, Britton denied Nance showed him a list of names, but stated that Nance requested him to call management and have them open up the records on the employees so he could find records of employees similar to Adams and see why management did not discharge or take action against them, whereupon his response was that he did not think it was a good idea to compare one record against another because they would simply teletype to management to take action against those other people they would use in comparison. Britton also stated he asked Nance whether he had the names of some of the people he wanted to investigate and how many people he was asking them to do this on, but denied Nance had any names or knew how many he may have to have although he said Nance further informed him pursuant to his inquiry that he wanted everybody's.¹³

Vice President Weary, who did not give his version of the conversation, stated that Nance wanted Britton to call the personnel director and tell the Company to give him permission to examine anyone's records he wanted to see and denied that Nance produced any list of names of individuals whose records he wanted Britton to call the Company about.

I credit Nance's version of this conversation. Apart from my observations of the witnesses, Nance's testimony was acknowledged in part by Britton, and Weary did not testify specifically concerning what was said.

Both Weary and Britton, at the hearing, denied that at the time of this meeting they had any knowledge about Adams' grievance, and Weary further stated that they could not call the Company or request something of that nature without having more knowledge of what they were talking about.

On September 25, Nance, as chairman of the fair employment practices committee, filed the original charge against the Respondent in the instant case which provides as follows:

Since on or about Sept. 10, 1979, the above labor organization, by its agent Don Britton, failed to fairly represent William Adams in the processing of

his grievance because of arbitrary and discriminatory reasons.

According to Nance, he filed the charge at Adams' request and it was his job to find the facts and evidence involved in the discrimination regarding Adams' grievance; and until he completed his investigation, the grievance could not go any further.

Harold Hamric, who was a committeeman for the Respondent, credibly testified, without denial, that he attended a meeting held about October 4 by President Zappa at which the Respondent's officials, Vice President Weary, Secretary-Treasurer Dominic Ricci, and Recording Secretary Brooks were present. Also present were committeeman Harold David, Chief Stewart Harvey Karpinski, and Patrick Waszkiewicz, who is plant chairman of the committee. Zappa informed them Nance was being taken off the fair employment practices committee. Although David and Karpinski protested Zappa was wrong and demanded Nance be left on as chairman of that committee saying it was not right to take him off because they needed him and he was a good man, Zappa informed them he was taking him off and that was it and he had also told the International. Recording Secretary Brooks, who was sitting next to Hamric, showed him the unfair labor practice charge which Nance had filed and told him to look what Nance did to them and said, "He can't do that." This was the only reason Hamric could recall being given for Nance's removal from the committee.

Hamric stated that at the time the unfair labor practice charge was filed Adams' grievance was still at the second step of the grievance procedure and was being investigated by Nance. It had not yet reached the level of the local union.¹⁴

Nance testified the same day this meeting was held about October 4 he learned from committee members who had attended the meeting he was no longer on the committee. He then contacted Vice President Weary, who confirmed it and, pursuant to his inquiry about the reason he was removed, Weary told him it was because he had filed the charge with the National Labor Relations Board. Weary did not deny having such a conversation with Nance, and I credit Nance's undisputed testimony.

Since that date Nance has not been on the fair employment practices committee.

President Zappa testified that after receiving the unfair labor practice charge filed by Nance he discussed what had happened with both Vice President Weary and Administrative Assistant Britton and felt disappointed in Nance who he said had always discussed the grievances he was investigating with him before but had not discussed this case with him. He stated that, since he had determined neither Britton nor the Respondent could be guilty of the charge, he made the decision that Nance could no longer be compatible, they could not trust him representing the factfinding group they had in the plant,

¹³ Nance denied ever asking to see the records of everyone in the plant or that Britton had asked him to give him the names of the ones he wanted him to check.

¹⁴ Under the terms of the collective-bargaining agreement, the officers of the Respondent did not become involved in the grievance procedure until step 3.

or to be honest any longer, and he had no need to have someone like that representing the Respondent and could no longer serve the purpose he was intending to serve.

Article 33 of the Respondent's constitution provides an appeal procedure members are to use to challenge actions, decisions, or penalties imposed by the Respondent.

Nance admitted he did not utilize this procedure. His reasons were because of the resistance he had met in dealing with the Respondent which had refused the opportunity he had given them, Adams was out of work and his investigation was just beginning, and because it was his right under the Act to file the charge.

C. Analysis and Conclusions

The General Counsel contends that the Respondent violated Section 8(b)(1)(A) of the Act by discriminatorily removing Nance from his position as chairman of the fair employment practices committee because he filed the original charge with the Board in this case. The Respondent denies having violated the Act. Its position, as expressed in its brief, is that Nance's removal was "solely an intraunion matter and that the removal was based upon Nance's filing of a false charge against an officer of the Union" and also that the charge was derogatory against the Union and one of its officials.

Section 8(b)(1)(A) of the Act prohibits a union from restraining or coercing employees in the exercise of their rights guaranteed by Section 7 of the Act.

A union may not coerce employees in their right to file charges with the Board. *N.L.R.B. v. Industrial Union of Marine & Shipbuilding Workers of America and its Local 22 [United States Lines Company]*, 391 U.S. 418 (1968). While a union has a legitimate interest in filling its offices with people who it considers can best serve the union and its membership, see *Shenango Incorporated*, 237 NLRB 1355 (1978), such legitimate interest does not extend to the removal of an employee from union office because he filed a charge with the Board and to do so violates Section 8(b)(1)(A) of the Act. See *General American Transportation Corporation*, 227 NLRB 1695 (1977), enforcement denied 581 F.2d 473 (5th Cir. 1978). Further, the fact the party taking the action against the employee believes the charge filed is false or the ultimate proof does not sustain the validity of the charge is no defense. *Waterman Industries, Inc.*, 91 NLRB 1041, 1043, fn. 8 (1950). Moreover, a union member is not required to first exhaust his internal union remedies before resorting to the Board's processes. *N.L.R.B. v. Industrial Union of Marine & Shipbuilding Workers of America*, *supra*.

The findings *supra*, establish Nance while serving as chairman of the fair employment practices committee was removed from the committee about October 4 by the Respondent after he had filed the original unfair labor practice charge against the Respondent with the Board in the instant case on September 25 on behalf of a discharged employee of the Company whose grievance he was assisting in investigating pursuant to his duties as chairman to determine whether the employee had been discriminatorily discharged. Not only did the Respondent's vice president, Weary, inform Nance the reason he was removed from his position was because he filed the

charge with the Board which was also the same reason Recording Secretary Brooks indicated to committeeman Harold Hamric, but President Zappa himself acknowledged he removed Nance as a result of his having filed the charge albeit he claimed it was false. No evidence was proffered to show or any contention made, apart from the filing of the charge, that Nance had not been properly performing his duties as chairman. Rather, President Zappa's own testimony indicates he had no complaints about Nance's performance other than his filing of the charge which Zappa, as noted, claimed was false.

Insofar as the original charge itself is concerned which alleges the Respondent by its agent Britton failed to fairly represent Adams in the processing of his grievance because of arbitrary and discriminatory reasons, the evidence, *supra*, establishes Administrative Assistant Britton, although designated by the Respondent to handle the matter, had refused Nance's request to contact the Company about obtaining the records which Nance felt were necessary to examine for purposes of determining whether the discharged employee Adams may have been treated differently than other employees who may have been similarly situated. If so, this could have been a factor to consider in determining whether Adams was discriminatorily discharged and without such records Nance could not complete the investigation for which he was, as chairman, responsible for conducting. Although Nance's testimony regarding his limited request for records was credited rather than that of Vice President Weary and Administrative Assistant Britton, even the Respondent's own evidence fails to establish Weary and Britton specifically informed Nance, as was approved by the International, that a request for specific records would be proper, yet they claimed his request was too broad. Rather, the evidence based on Britton's statements to Nance indicate Britton's reasons for not honoring the request was because he objected to what he felt was Nance telling him how to do his job. Thus, under these circumstances, which indicate Britton while assigned to handle Nance's request for records acted arbitrarily and prevented Nance from proceeding with his investigation dealing with Adams' grievance, the original charge was not shown to be false as the Respondent contends.

Based on the foregoing evidence and for the reasons indicated and applying the applicable principles of law herein set forth and rejecting Respondent's defenses, which I find have no merit, I find about October 4 Nance was removed by the Respondent from his position as chairman of the fair employment practices committee because he filed the original unfair labor practice charge against the Respondent with the Board in this case, and the Respondent thereby violated Section 8(b)(1)(A) of the Act.

IV. THE EFFECT OF THE UNFAIR LABOR PRACTICES UPON COMMERCE

The activities of the Respondent set forth in section III, above, found to constitute unfair labor practices occurring in connection with the operations of the Company described in section I, above, have a close, intimate,

and substantial relationship to trade, traffic, and commerce among the several States and tend to lead to labor disputes burdening and obstructing commerce and the free flow thereof.

CONCLUSIONS OF LAW

1. Chrysler Corporation, including its Vernor Tool & Die Plant is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

2. Local 212, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), is a labor organization within the meaning of Section 2(5) of the Act.

3. By removing Melvin Nance from his position as chairman of the fair employment practices committee about October 4, 1979, because he filed the original unfair labor practice charge with the Board in the instant case, the Respondent has engaged in unfair labor practices in violation of Section 8(b)(1)(A) of the Act.

4. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

THE REMEDY

Having found that the Respondent has engaged in certain unfair labor practices within the meaning of Section 8(b)(1)(A) of the Act, I shall recommend that it cease and desist therefrom and take certain affirmative action to effectuate the policies of the Act.

Accordingly, having found that the Respondent unlawfully removed Nance from his position as chairman of the fair employment practices committee it shall be ordered to immediately reinstate Nance to his former position as chairman of the fair employment practices committee with all rights and privileges previously enjoyed by him in such position and if that position no longer exists then to a substantially equivalent position.

Upon the foregoing findings of fact, conclusions of law, and the entire record, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:

ORDER¹⁵

The Respondent, Local 212, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), its officers, agents, and representatives, shall:

1. Cease and desist from:

(a) Removing any chairman or member of the fair employment practices committee from their position for filing unfair labor practice charges with the Board.

(b) In any like or related manner restraining or coercing employees in the exercise of their rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action deemed necessary to effectuate the policies of the Act:

(a) Offer Melvin Nance immediate reinstatement to his former position as chairman of the fair employment practices committee with all rights and privileges previously enjoyed in such position and if that position no longer exists then to a substantially equivalent position.

(b) Post at its business office and other places where it customarily post notices to its members copies of the attached notice marked "Appendix."¹⁶ Copies of said notice, on forms furnished by the Regional Director for Region 7, shall, after being duly signed by an authorized representative of the Respondent, be posted by it immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by the Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(c) Furnish the Regional Director for Region 7, signed copies of such notice in sufficient number to be posted by Chrysler Corporation at its Vernor Tool & Die Plant, the Company being willing.

(d) Notify the Regional Director for Region 7, in writing, within 20 days from the date of this Order, what steps the Respondent has taken to comply herewith.

IT IS FURTHER ORDERED that the complaint be, and hereby is, dismissed insofar as it alleges unfair labor practices not specifically found herein.

¹⁶ In the event that this Order is enforced by a Judgment of the United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX

NOTICE TO MEMBERS POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

WE WILL NOT remove any chairman or member of the Fair Employment Practices Committee from their position because they filed unfair labor practice charges with the National Labor Relations Board.

WE WILL NOT in any like or related manner restrain or coerce employees in the exercise of their rights guaranteed by Section 7 of the National Labor Relations Act, as amended.

WE WILL immediately reinstate Melvin Nance to his former position as chairman of the Fair Employment Practices Committee with all rights and privileges previously enjoyed in such position, and if that position no longer exists then to a substantially equivalent position.

LOCAL 212, INTERNATIONAL UNION,
UNITED AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS OF
AMERICA (UAW)

¹⁵ In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.